

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD PITTS,

Defendant.

CR 14-27-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on January 27, 2015. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Richard Pitts’ guilty plea after

Pitts appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiracy to distribute child pornography in violation of 18 U.S.C. §§ 2252A(a)(2) as set forth in the Superseding Information. The Defendant further agrees to the forfeiture allegation set forth in the Superseding Information.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 238), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Richard Pitts' motion to change plea (Doc. 120) is GRANTED and Richard Pitts is adjudged guilty as charged in the Superseding Information.

DATED this 13th day of February, 2015.

A handwritten signature in blue ink, appearing to read "Dana L. Christensen".

Dana L. Christensen, Chief District Judge
United States District Court